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164 Pa. St. 306. It must be distinguished from eminent domain or taxing power. *Carthage v. Rhodes*, 101 Mo. 175; *N. Y. Health Dep't. v. Trinity Church*, 145 N. Y. 32. Although police power is exercised only for the purpose of promoting the public welfare, yet the object must always be regulation and not the raising of revenue. *Walker v. Jameson*, 140 Ind. 591; *Muhlenbrinck v. Long Branch Com'rs*, 42 N. J. L. 364. Moreover, in the absence of any constitutional restriction it may be delegated to the various municipalities throughout the state. *N. Y. Fire Dep't v. Gilmour*, 149 N. Y. 453; *Com. v. Plaisted*, 148 Mass. 375. But such city ordinance must not be a regulation of interstate commerce nor discriminate between residents or products of different states. *Welton v. Mo.* 91 U. S. 275; *Robbins v. Shelby Co. Taxing Dist.* 120 U. S. 498. Hence, sellers by sample for future delivery are not regarded, in this country, as peddlers, under such a city ordinance. *Stanford v. Fisher*, 140 N. Y. 187; *Com. v. Farnum*, 114 Mass. 267. And one imposing a license on peddling of patent rights would be unconstitutional and void. *In re Sheffield*, 64 Fed. 836. So, also, such an ordinance must not deny anyone, such as a foreigner, within the jurisdiction of that state, the equal protection of its laws. *State v. Montgomery*, 94 Me. 192; *County of Santa Clara v. So. Pac. Ry. Co.*, 118 U. S. 396.

STREET RAILROADS—COLLISION WITH TEAM—EVIDENCE.—*BAICKER v. PEOPLE'S ST. RY. CO. OF NANTICOKE & NEWPORT*, 64 ATL., 675 PA.—A collision occurred between a street car and the plaintiff's wagon, the evidence showing that if plaintiff had continued on his course, he could have cleared the track and avoided the collision, but that having changed his mind, he attempted to back off. Both the motorman and the plaintiff acted on the belief that he would succeed. *Held*, that he could not recover for the injuries received. *Mestrezat, J., dissenting.*

Persons engaged in operating street cars are not required to use more than ordinary care to see that the track is clear to avoid collisions with vehicles. *St. Antonio St. Ry. Co. v. Mechler*, 87 Tex. 628. Where a person drives in front of an electric car and is struck by it, while attempting to get off the track, the street railway is not liable where there was no evidence that the speed was dangerous or that the gong was not sounded. *Guilloz v. Fort Wayne & B. I. Ry. Co.*, 108 Mich. 41. The dissenting opinion is in accordance with the decisions laid down in several jurisdictions. Since street railroads have no superior right of way over vehicles at public crossings, the company will be liable for negligence in its employees, in failing to have the car under control at such places. *Watson v. Minneapolis St. R. Co.*, 53 Minn. 551; *Hickman v. Union Depot R. Co.*, 47 Mo. App. 65. Although the peril may have been increased by an attempt to avoid it, the street railway is liable, if the driver was placed in peril by the negligence of the conductor and injury occurred while the teamster was exercising ordinary care. *Gibbons v. Wilkesbarre & S. St. Ry. Co.*, 155 Pa. 279.

USURY—ASSUMPTION OF USURIOUS DEBT.—*STUCKEY v. MIDDLE STATES LOAN BLDG. & CONST. CO.*, 55 S. E. 996 (W. VA.).—*Held*, that one who purchases land which is subject to an usurious debt and assumes payment of such debt, as part of the consideration cannot be relieved from the usury.

Whether the right to take advantage of the different statutes of usury is a personal or vested one is apparently a much mooted question in the various jurisdictions of this country. Some courts give the assignee of an usurious trust obligation the same rights of defense, as that of assignor at the

time of the assignment. *Tamplin v. Wentworth*, 99 Mass. 63; *Woolfolk v. Plant*, 46 Ga. 422. These decisions are consistent with the general rule, that an assignee takes an assignment subject to all the equities of the debtor existing at the time he received notice of the assignment. *Callanan v. Edwards*, 32 N. Y. 483; *Buckner v. Smith*, 1 Wash. (Va.) 296. Courts maintaining otherwise, hold that a person assuming payment of an usurious loan does so, as part of the consideration, and that it is a personal right of the assignor, and the assignee is precluded from setting up usury as a defense. *Smith v. McMillan*, 46 W. Va. 577; *Sands v. Church*, 6 N. Y. 347. Improbably all jurisdictions, an execution creditor and a purchaser of an equity of redemption are allowed to plead usury in the inception of the contract as a defense, *Bank v. Warehouse*, 49 N. Y. 642.